

NR:VTN
F. #2017R00515

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

— — — — — -X

UNITED STATES OF AMERICA

— against —




ANDRE WILBURN,

Defendants.

— — — — — -X

EASTERN DISTRICT OF NEW YORK, SS:

JIMMY JINN, being duly sworn, deposes and says that he is a Special Agent with United States Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

In or about and between April 2016 and July 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants  and ANDRE WILBURN, did knowingly, and with intent to defraud, conspire to: (1) possess fifteen or more devices which are unauthorized access devices; and (2) effect transactions, with one or more access devices issued to another person or persons, to receive payment or any other thing of value during any 1-year period the aggregate value of which is equal to or greater

FILED UNDER SEAL

**AFFIDAVIT AND COMPLAINT IN
SUPPORT OF APPLICATION FOR
ARREST WARRANTS**

(18 U.S.C. §§ 371 and 3551 et seq.)

Case No. 19-MJ-147

than \$1,000, all of which conduct affected interstate commerce, in violation of Title 18, United States Code, Sections 1029(a).

(Title 18, United States Code, Section 371).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent of the United States Department of Homeland Security, Homeland Security Investigations ("HSI") and have been involved in the investigation of numerous cases involving fraud and identity theft. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendants' criminal history records; and from reports of other law enforcement officers involved in the investigation.

2. HSI, the Amtrak Office of Inspector General's Office of Investigations ("Amtrak OIG"), the Amtrak Police Department and the United States Department of Transportation, Office of Inspector General are jointly investigating the defendants [REDACTED] and ANDRE WILBURN for crimes including money laundering and access device fraud² that has resulted in the loss of more than \$450,000 to Amtrak from in or about and between April 2016 to July 2018.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

² Under 18 U.S.C. § 1029(e)(1) an "access device" includes any account number or other means of account access that can be used, alone or in conjunction with another access device, to obtain money, goods, services, or any other thing of value. Accordingly, the unauthorized use of credit card account numbers qualifies as access device fraud.

3. Amtrak is a national passenger railroad service. Among the different methods of payment accepted by Amtrak, Amtrak allows customers to redeem eVouchers for travel. An eVoucher is a transferable electronic certificate of credit offered by Amtrak when a customer cancels an existing reservation or downgrades a reservation. An eVoucher is valid for one year from the date of issuance. A single eVoucher can be broken down into multiple eVouchers of lesser value and used to make multiple reservations for future travel. Multiple eVouchers can also be aggregated and used to pay for a single reservation. To redeem an eVoucher, a person must provide a reference phone number or email address that was used to make the original reservation.

THE FRAUDULENT SCHEME

4. Amtrak OIG agents identified a fraudulent scheme in which individuals purchased Amtrak reservations using stolen credit card account information, cancelled or exchanged those reservations for eVouchers, and sold the eVouchers on the internet, including the websites www.ebay.com and craigslist.org.

5. Amtrak OIG agents identified eVouchers sold on the internet as fraudulent whenever the true owners of the credit card accounts used to make the original Amtrak purchases reported those purchases as unauthorized to their financial institutions. Those financial institutions contacted Amtrak and, in turn, received a refund from Amtrak.

6. Amtrak OIG agents identified four separate eBay accounts, specifically "liph715," "2iladam," "iminyourhome" and "richjerk" (the "eBay Accounts"), that belong to and were used by [REDACTED] and ANDRE WILBURN, respectively, to sell eVouchers that have been identified as part of the fraudulent scheme described above.

- a. In or about and between June 2017 to June 2018, approximately 213 eVouchers worth more than \$60,000 of credit with Amtrak were sold by eBay user "liph715." Approximately 161 of these eVouchers, worth approximately \$46,000, have been confirmed as fraudulent as of August 28, 2018. According to records obtained from eBay, "liph715" is an eBay account registered to [REDACTED] of Brooklyn, New York.
- b. In or about and between November 2016 and July 2017, approximately 286 eVouchers worth more than \$110,000 of credit with Amtrak were sold by eBay user "2iladam." Approximately 140 of these eVouchers, worth approximately \$55,000, have been confirmed as fraudulent as of August 28, 2018. According to records obtained from eBay, "2iladam" is an eBay account registered to [REDACTED] of Glendale, New York.
- c. In or about and between April 2016 to July 2018, approximately 281 eVouchers worth more than \$250,000 of credit with Amtrak were sold by eBay user "iminyourhome." Approximately 152 of these eVouchers, worth approximately \$136,000, have been confirmed as fraudulent as of August 28, 2018. According to records obtained from eBay, "iminyourhome" is an eBay account registered to [REDACTED] of Queens, New York.
- d. In or about and between April 2016 to May 2016, approximately 42 eVouchers worth more than \$30,000 of credit with Amtrak were sold by eBay user "richjerk." Approximately 17 of these eVouchers, worth approximately \$10,000, have been confirmed as fraudulent as of August 28, 2018. According to records obtained from eBay, "richjerk" is an eBay account registered to ANDRE WILBURN of New York, New York.

7. Only a portion of the eVouchers sold by the eBay Accounts were identified as fraudulent by Amtrak using the criteria described in paragraph 5 above.

Amtrak OIG agents believe that the remainder of the eVouchers sold by the eBay Accounts were also fraudulent; however Amtrak has not issued refunds in those instances. Based on the investigation to date, I believe that refunds have not been issued because the financial institutions absorbed the loss directly, are still in the process of requesting a refund from Amtrak, or because the true accountholders failed to notice and report the original transactions as unauthorized. The remainder of the eVouchers is also believed to be

fraudulent because the eVouchers were typically sold by the eBay Accounts at heavily discounted prices of 30 to 70 percent of their face value, which, based on my training and experience, is a practice frequently used by individuals committing access device fraud.

ADDITIONAL INVESTIGATION ESTABLISHING OWNERSHIP OF THE EBAY ACCOUNTS

8. On or about September 6, 2018, law enforcement agents interviewed [REDACTED] at his residence in Brooklyn, New York. [REDACTED] stated, in sum and substance and in part, that he had been purchasing eVouchers since April 2016, using stolen credit card information that he was able to purchase from the dark web and that he subsequently sold those eVouchers on eBay under the username "iminyourhome" at a discount. [REDACTED] further stated that he had been residing in Brooklyn since in or about May 2018, and that prior to that and during the period of the scheme, he had been residing in Queens, New York. [REDACTED] further stated that he and ANDRE WILBURN are partners in a company named Soul Air LLC.

9. On or about February 15, 2018, an undercover agent posing as a buyer (the "Buyer") purchased an eVoucher worth \$320 that was offered for sale by eBay user "liph715" for the price of \$240. On or about February 17, 2018, Buyer emailed eBay user "liph715", stating, in substance, that he was having problems making a reservation on Amtrak's website using the eVoucher he had purchased. Buyer and eBay user "liph715" exchanged a few more email messages and eBay user "liph715" provided Buyer with a replacement eVoucher. Buyer subsequently asked eBay user "liph715" to call Buyer back. Buyer received a call from phone number [REDACTED]-6607 on or about February 18, 2018 from a man who identified himself as [REDACTED] and apologized for having provided

Buyer with an incomplete eVoucher number and assured Buyer that the replacement eVoucher would work.

10. On or about September 6, 2018, law enforcement agents interviewed [REDACTED] at his residence in Brooklyn, New York. [REDACTED] stated, in sum and substance and in part, that his phone number is [REDACTED]-6607, that he obtained information about eVouchers to sell on eBay from ANDRE WILBURN, and that he received one-third of the profits from eVoucher sales while WILBURN received two-thirds of the profits.

11. During the course of the investigation, a victim was identified whose credit card account was fraudulently used to purchase (i) an Amtrak reservation that was subsequently exchanged for eVouchers that were sold on eBay, and (ii) a \$2,800 gift card from BladeOne, a company that offers chartered flights aboard helicopters, jets, and seaplanes. The BladeOne gift card was subsequently used on January 10, 2018 to purchase a flight reservation in the name of ANDRE WILBURN for travel to Miami on January 11, 2018. On January 11, 2018, an employee of BladeOne met WILBURN when WILBURN arrived to BladeOne's heliport in Manhattan and travelled to Miami. On February 15, 2018, I presented the BladeOne employee with a photograph of WILBURN and the employee identified WILBURN as the same man he met on January 11, 2018.

12. During the course of the investigation, a Special Agent of Amtrak OIG obtained a warrant to search the Google account of ANDRE WILBURN and determined that [REDACTED] and ANDRE WILBURN exchanged emails on November 23, 2016, December 12, 2016 and January 19, 2017 with one another containing an Excel spreadsheet that listed approximately two dozen eVouchers and indicated how much each eVoucher was

worth and how the sale proceeds for each eVoucher would be shared between [REDACTED] and WILBURN.

MOVEMENT OF FRAUDULENT PROCEEDS

13. During the course of our investigation, law enforcement agents observed the following financial transactions among [REDACTED] and ANDRE WILBURN which reflect that [REDACTED] and [REDACTED] have transferred the proceeds of their fraudulently obtained eVoucher sales on eBay to [REDACTED] and WILBURN.

- a. From on or about and between November 2016 to December 2016, a Square Cash ("SQC") account in the name of "lifeofdre" received deposits from a SQC account in the name of "cyborg3." SQC is an online payment system. In order to use SQC, a user must provide a valid bank account or credit card account to which the SQC account can be linked. The "lifeofdre" SQC account is owned by ANDRE WILBURN. The "cyborg3" SQC account is owned by [REDACTED] and funded by a bank account that is linked to the PayPal account registered to the "2iladam" eBay account.³
- b. From on or about and between October 2017 to March 2018, the "lifeofdre" SQC account belonging to ANDRE WILBURN received deposits from a SQC account in the name of "bigmont715," which is owned by [REDACTED] and funded by the bank account that is linked to the PayPal account registered to the "liph715" eBay account.
- c. [REDACTED] and ANDRE WILBURN are listed as co-owners of a joint business account at TD Bank in the name of SoulAir LLC (the "SoulAir Bank Account"). From on or about and between September 2017 to March 2018, the SoulAir Bank account received deposits from WILBURN's "lifeofdre" SQC account.
- d. From on or about and between January 2017 and June 2017, a Simple bank account owned by ANDRE WILBURN received numerous instant money transfers from a Simple account subscribed to [REDACTED].

³ Each of the eBay Accounts has received payments from buyers of eVouchers via PayPal, which is an online payment system. In order to use PayPal, a user must provide a valid bank account or credit card account to which the PayPal account can be linked.

REQUEST FOR SEALING

14. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application itself. I believe that sealing these documents is necessary to preserve the integrity of this ongoing criminal investigation. Based upon my training and experience, I have learned that online criminals actively search for criminal affidavits and arrest warrants via the internet, and disseminate them to other criminals as they deem appropriate. Premature disclosure of this affidavit and related documents may have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness.

WHEREFORE, your deponent respectfully requests that the defendants

[REDACTED] and ANDRE WILBURN be dealt with according to law.

[REDACTED]
JIMMY JINN
Special Agent, United States Department of
Homeland Security, Homeland Security
Investigations

Sworn to before me this
15th day of February, 2019

[REDACTED]
THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK